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Criminal Liability of Children Involved in Narcotics Offenses: A Juridical Analysis of Decision Number 21/Pid.Sus-Anak/2025/PN.Mgl

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Abstract

Purpose: This study aims to analyze the criminal liability of children involved in narcotics offenses based on Decision Number 21/Pid. Sus-Anak/2025/PN.Mgl, focusing on the application of juvenile criminal law, judicial considerations, and sanctions imposed.

Research Methodology: This study uses a normative juridical method with a case study approach and a qualitative approach. Data were collected through an analysis of court decisions, legal regulations, and the relevant literature on juvenile justice and narcotics offenses. The data were analyzed qualitatively to examine the legal reasoning and application of criminal provisions.

Results: The findings show that a child involved in a narcotics offense is subject to criminal liability based on the fulfillment of criminal elements and applicable juvenile justice provisions. The judge considered the child's legal status, nature of the offense, and child protection principles in determining sanctions. This decision reflects an effort to balance law enforcement with restorative justice and rehabilitation approaches.

Conclusions: Criminal liability for children involved in narcotics offenses necessitates the integration of legal certainty, child protection, and rehabilitation principles to ensure proportionate sanctions and the best interests of the child.

Limitations: This study analyzed only one court decision, limiting the generalization of the findings to other narcotics cases involving children.

Contributions: This study contributes to the juvenile criminal law literature by demonstrating how judicial reasoning in narcotics cases involving children integrates criminal liability, evidentiary assessment, and restorative justice principles within the framework of child protection.

Keywords: *Children, Crime, Narcotics, Responsibility*

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1. Introduction

There are many criminal acts in Indonesia that can be found in various forms of criminal acts committed by different layers of society. There are different forms of criminal acts committed because of the different forms of the existing community life structure, where the structure of life in society is between one another. The existence of differences in viewpoints, economies, or habits greatly affects the existence or absence of a criminal act (Amrullah, 2003). The problem of criminal acts, or what is commonly called crime, is a social reality that cannot be avoided (Gosita, 2003). One of the criminal acts is the abuse of narcotics, which encourages the existence of illicit circulation that is wider and has an international dimension. Therefore, it is necessary to prevent and deal with narcotics and efforts to eradicate illicit circulation, considering the progress of the development of communication, information, and transportation in the current era of globalization (Marton, 2006).

The involvement of children in narcotics offenses has become a complex legal issue because children who commit criminal acts occupy a different legal position from that of adult offenders. Children are individuals who are still undergoing physical, psychological, and social development, making criminal responses toward them unable to rely solely on punitive measures. Within the juvenile justice framework, children involved in criminal offenses must be treated as children in conflict with the law who require protection, guidance and rehabilitation. Therefore, the handling of narcotics offenses committed by children requires a balance between law enforcement objectives and the principles of child protection, restorative justice, and social reintegration (Meyrina, 2017). In Indonesia, the criminal responsibility of children is regulated by Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. This regulation establishes that juvenile justice is based on the principles of restorative justice, diversion, proportionality, rehabilitation and social reintegration. Therefore, the application of criminal sanctions against children cannot only focus on proving the criminal offense but must also consider the best interests of the child and the purpose of their development.

Transnational narcotics crimes are carried out using modus operandi and advanced technology, including securing the proceeds of such crimes. The development of the quality of narcotics has become a serious threat to human life. Although narcotics are useful and necessary for treatment and health services, if they are misused or used not according to medical standards, especially if they are accompanied by illegal narcotics trafficking, it will have a detrimental impact on individuals and communities, especially the younger generation, and can even cause greater danger to the nation's life and cultural values.

In the context of narcotics offenses involving children, judicial decisions are an important object of study because judges are required to balance the enforcement of narcotics regulations with the protection of children's rights. Decision Number 21/Pid.Sus-Anak/2025/PN. The Mgl provides an important legal context for examining how criminal responsibility is constructed when a child is involved in narcotics cases. This decision is significant because it raises legal questions regarding the fulfillment of criminal elements, the interpretation of possession and involvement in narcotics offenses, and the extent to which judicial considerations reflect the principles of juvenile justice. Therefore, this study does not merely examine the outcome of the decision but also critically analyzes the legal reasoning underlying the imposition of criminal sanctions on children.

Considering that the circulation of narcotics occurs a lot among the community and is a violation of the law in accordance with Article 112 paragraph (1) of Law Number 35 of 2009 concerning Narcotics states that every person who without rights or against the law possesses, possesses, controls, or provides Class I Narcotics that are not plants, shall be sentenced to a minimum prison sentence of 4 (four) years and a maximum of 12 (twelve) years and a fine of at least IDR 800,000,000.00 (eight hundred million rupiah) and a maximum of IDR 8,000,000,000.00 (eight billion rupiah). Research on narcotics law enforcement also indicates that judicial rulings in such cases must remain grounded in accurate evidence, the correct legal classification of the offense, and legal reasoning that aligns with the facts established during the trial (Anugrah & Seregig, 2025).

One of the criminal acts without the right to commit a criminal conspiracy is to have Class I narcotics instead of plants, as decided by the Menggala District Court in case number 21/Pid. Sus-Anak/2025/PN.Mgl, which began on Sunday, October 5, 2025, at approximately 00:15 WIB, Members of the Tulang Bawang Barat Police Narcotics Task Force received information from the public that a karaoke venue in Tulang Bawang Barat Regency was often used for transactions and parties involving ecstasy-type narcotics.

Based on this information, the members immediately conducted an investigation at the location in question. Then at around 02:00 WIB, Members of the Tulang Bawang Barat Police Narcotics Task Force and Members of the Tumijajar Police, namely witness Rifki Hasrullah Bin Hasanuddin, witness I and witness II Bin Herni Tholib came to the karaoke place in question and found Witness III (prosecution carried out separately) and Children with suspicious movements.

The members immediately searched the body and clothes worn by Witness III, and evidence was found in the form of 1 (one) broken pill of red pills of ectacy type narcotics in 1 (one) black Arous brand sling bag secured from the body of Witness III, and 1 (one) unit of Oppo Reno 5 brand mobile phone in silver color with a purple silicone case found in the left front pocket of the pants worn by Witness III.

During interrogation, Witness III explained that 1 (one) fragment of red pills of ectacy narcotics found belonged to Witness III and the Child which was obtained by buying from Witness III's friend named Brother Cuplis (DPO) and the Child was searched of the body and/or clothes but no evidence was found but evidence of ectacy narcotics was in the possession of Witness III and the Child at the time of security. Furthermore, Witness III and Child and all evidence were immediately secured and taken to the Tulang Bawang Barat Police Office for further examination.

For this act, the defendant was found guilty of committing a criminal act without rights and against the law of possessing Class I Narcotics instead of plants as regulated and threatened with criminal punishment in Article 112 paragraph (1) *jo* Article 132 paragraph (1) of Law Number 35 of 2009 concerning Narcotics, imposing a penalty on the child with a prison sentence of 6 (six) months at the Bandar Lampung Special Children's Development Institution (LPKA) and Job Training at Bapas Class II B Kotabumi for 3 (three) months with the provision that the job training is carried out during the day for a period of 2 (two) hours in 1 (one) day.

This study does not reassess whether the defendant is guilty of narcotics crimes. This study examines the criminal liability of children who commit criminal acts of criminal conspiracy to have Class I narcotics that are not plants and the factors that cause children to commit crimes of Class I narcotics that are not plants can be understood juridically and criminologically. Thus, the objectives of this study are as follows: first, to analyze the criminal liability of children who commit the crime of criminal conspiracy to possess class I narcotics instead of plants, as reflected in Decision Number 21/Pid. Sus-Anak/2025/PN.Mgl. Second, it examines the factors that cause children to commit Class I narcotics crimes that are not plants.

Previous studies have mainly examined juvenile justice systems, restorative justice mechanisms, and narcotics crime enforcement separately. However, few studies have analyzed how judges construct criminal liability for children involved in narcotics offenses by connecting legal qualifications, evidentiary assessments, and child-oriented justice principles within a specific court decision. Therefore, this study addresses this gap by analyzing Decision Number 21/Pid. Sus-Anak/2025/PN.Mgl is a contemporary judicial case that illustrates the tension between enforcing narcotics regulations and protecting children's rights. The novelty of this research lies in its integrated analysis of criminal responsibility, judicial reasoning, and criminological factors influencing children's involvement in narcotics offenses. Rather than only evaluating whether the child fulfilled the criminal elements, this study examined whether the sanctions imposed are consistent with the objectives of juvenile justice, particularly rehabilitation and social reintegration.

2. Literature Review

2.1 Narcotics Crimes, Article Qualification and Recidivism

Criminal law is a vital instrument that encompasses provisions regarding the requirements for the state's authority to enforce criminal statutes (Andrisman, 2007). More specifically, criminal law functions to regulate prohibited acts accompanied by the threat of sanctions, establish the conditions for the imposition of punishment, and regulate the mechanism for executing sentences (Gunadi & Efendi, 2014; Ismail, 2025). Its primary objective is to provide a deterrent effect and impose legitimate suffering on offenders to protect public interest (Annisa & Seregig, 2024; Marpaung, Prasetyawati, & Sanjaya, 2023).

A criminal act can get you into trouble because it violates the law. "Strafbaar feit" means "punishable by law" and applies to all illegal acts, whether committed intentionally or unintentionally (Redha & Trisna, 2023). When asked to define crime, Simon stated that it is the infliction of pain on another human being. A person's suffering is related to a violation of the standards set in criminal law in cases where a guilty verdict has been passed by the court (Pratama, 2025). Jassen argues that judges use crime and punishment as tools to prevent individuals from engaging in unjust behavior (Shafira, Achmad, Tamza & Ghiffary, 2022). The concept of criminal behavior is fundamental in criminal law and other branches of law. 'Evil behavior' and 'crime' (crime/Verbrechen/misdaad) are different concepts that may have varying interpretations depending on whether one uses a legal or criminological perspective (Siswanto & Siswanto, 2022).

Law Number 35 of 2009 concerning Narcotics distinguishes several forms of acts related to narcotics. Article 112 is mainly related to the act of possessing, storing, possessing, or providing narcotics, while Article 114 is related to offering to sell, sell, buy, receive, be an intermediary in the sale and purchase, exchange, or delivery of narcotics (Republic of Indonesia, 2009a). This distinction is important because the articles applied by the judge determine not only the legal qualifications but also the criminal framework. In Decision Number 21/Pid. Sus-Anak/2025/PN. The judge applied Article 112 paragraph (2), which shows that proven legal facts are closer to the possession or possession of class I narcotics than to a transactional act (Menggala District Court, 2025). Criminological research on the abuse of non-plant class I narcotics also shows that narcotic crimes must be understood through legal qualifications as well as the socio-psychological background of the perpetrators (Fitrianna & Senjaya, 2024).

Although Law Number 35 of 2009 concerning Narcotics provides strict criminal provisions for narcotics-related offenses, its application to children requires careful consideration because children are subject to a different legal framework under Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. The implementation of provisions against child narcotics must be harmonized with the principles of restorative justice, diversion, proportionality of punishment, and the best interests of the child. This indicates that the criminal liability of children in narcotics cases cannot be examined solely based on the fulfillment of criminal elements, but must also consider the child's capacity for responsibility, developmental condition, and the purpose of juvenile justice, which emphasizes rehabilitation rather than retribution (Yudhoyono & Soponyono, 2024).

The problem of recidivism also arises in narcotics cases in Indonesia. Recidivism indicates that a person has been convicted before and is then involved in another criminal act. However, recidivist status does not remove the procedural rights of defendants. Former convicts remain legal subjects entitled to defence, fair trials, and criminal accountability. Studies on narcotic recidivism show that the repetition of criminal acts can be related to the social environment, weak reintegration, economic pressure, limited family support, and inadequate supervision after release (AlMukharomah & Wibowo, 2022; Miardi, Runturambi, & Badri, 2024). Therefore, recidivism must be carefully analyzed so that it is not used as the sole explanation for criminalization without sufficient factual basis.

2.2 Criminological Factors in Criminal Acts

Criminology helps explain why a person can be involved in narcotics-related crimes. Soekanto (1983) stated that law enforcement is influenced by the rule of law, law enforcement officials, facilities, society, and legal culture. In the context of narcotics, the factors that encourage the occurrence of criminal acts are rarely singular. Individual weaknesses, psychological pressures, social relationships, family conditions, economic vulnerabilities, and opportunities can interact with one another. Hagan (2013) and Santoso and Zulfa (2015) emphasized that criminal behavior must be read through the relationship between individual motivation and the social environment.

Methamphetamine-related crime can be related to personal and structural vulnerabilities. Personal factors included poor self-control, previous experience with narcotics, and repeated involvement in the narcotics user environment. Social factors include peer influence, living conditions, family problems and limited post-criminal reintegration support. Empirical research on the substance user population also shows that narcotics-related recidivism is associated with a history of substance use, psychiatric problems, housing instability, a history of previous offenses, and a lack of follow-up treatment or assistance (Hazama & Katsuta, 2025; Karlsson & Hakansson, 2022; Takaya, Takigawa, & Kawata, 2025).

2.3 Juvenile Criminal Justice System and Restorative Justice

The juvenile criminal justice system recognizes that children involved in criminal offenses occupy a different legal position than adult offenders. Children are individuals who are still undergoing physical, psychological and social development. Therefore, criminal responses must consider educational and rehabilitative objectives rather than merely imposing punishment (Aji, 2019).

In Indonesia, Law Number 11 of 2012 concerning the Juvenile Criminal Justice System establishes restorative justice as a fundamental principle for handling children in conflict with the law. The law emphasizes diversion, proportionality, rehabilitation, guidance, and social reintegration as mechanisms for protecting children's rights while maintaining accountability for criminal acts.

Restorative justice does not eliminate criminal responsibility but changes the orientation of punishment from retaliation to recovery and future development. Therefore, judges in juvenile cases must consider not only the fulfillment of criminal elements but also the child's age, psychological condition, social background, and potential for rehabilitation. Previous studies emphasize that juvenile justice should prioritize restoration and the best interests of the child, rather than purely punitive sanctions (Meyrina, 2017).

Based on the juvenile criminal justice perspective, this study employs restorative justice theory as an analytical framework to evaluate whether the criminal sanctions imposed by the court reflect not only legal accountability but also rehabilitation and social reintegration objectives. Therefore, judicial considerations are analyzed through three dimensions: fulfillment of criminal elements, proportionality of sanctions, and protection of children's rights.

2.4 Research Gaps

Previous research has addressed criminal accountability, narcotics law enforcement, and recidivism; however, many studies have analyzed these themes separately. Studies that specifically examine the application of criminal liability in a narcotics decision while linking the textual consistency of the verdict with the criminological factors behind the crime are still limited in number. This study fills this gap by combining the normative analysis of the Criminal Code and the Narcotics Law with empirical information from the police, prosecutors, and judges. This study does not develop a statistical hypothesis because it is qualitative juridical research; instead, it uses legal doctrine and empirical data to answer the formulation of the problem.

3. Research Methodology

This study employs qualitative legal research by combining normative juridical and empirical legal approaches. The normative juridical approach examines law as a system of statutory provisions, principles, doctrines, and judicial decisions, whereas the empirical approach investigates how legal norms are understood and implemented in practice (Hamzani, Widyastuti, Khasanah, & Rusli, 2023; Hamzani, Widyastuti, Khasanah, & Rusli, 2024). This combination enables the study to assess both the legal framework governing juvenile criminal responsibility and its practical application by law enforcement authorities. Accordingly, the normative analysis focuses on applicable legislation, relevant legal doctrines, and Decision No. 21/Pid.Sus-Anak/2025/PN Mgl as the principal judicial object of analysis.

The primary legal materials comprise Law Number 35 of 2009 concerning Narcotics, Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, and Decision No. 21/Pid.Sus-Anak/2025/PN Mgl. These materials were selected because they provide the principal legal basis for examining narcotics offences, juvenile criminal responsibility, procedural safeguards, and the judicial treatment of children in conflict with the law. Secondary legal materials include peer-reviewed scientific articles, legal textbooks, and previous studies concerning juvenile justice, narcotics offences, restorative justice, and criminal responsibility. The analysis of these materials was conducted through statutory, case, and conceptual approaches to identify the relationship between applicable legal norms and the judicial reasoning applied in the case.

Empirical data were collected through semi-structured interviews with three key informants: an investigator, a public prosecutor, and a judge. Semi-structured interviews were considered appropriate because they provide a consistent thematic framework while allowing informants to elaborate on their professional experiences, interpretations, and practical considerations (Adeoye-Olatunde, & Olenik, 2021; Busetto, Wick, & Gumbinger, 2020). The informants were selected through purposive sampling based on their direct involvement in, and professional knowledge of, juvenile narcotics cases. Purposive sampling is suitable for qualitative research when participants are deliberately selected because they possess experience and information directly relevant to the research questions (Ahmad, & Wilkins, 2025; Palinkas, Horwitz, Green, Wisdom, Duan, & Hoagwood, 2015).

The data were analyzed qualitatively through legal interpretation and comparative analysis. The analysis involved organizing and interpreting the statutory provisions, judicial considerations, relevant legal doctrines, and interview findings. These sources were subsequently compared to identify consistencies or discrepancies between the normative framework and the practical implementation of juvenile criminal responsibility. Integrating doctrinal analysis with empirical evidence enables legal research to explain not only what the law prescribes but also how it operates within actual law-enforcement practices (Hamzani et al., 2024).

4. Results and Discussions

4.1 Criminal Liability of Children Involved in Narcotics Offenses

According to Rifki Hasrullah, the Assistant Investigator of the Tulang Bawang Barat Resort Police of the Lampung Police, regarding the accountability of a person who commits a criminal act, especially the crime of criminal conspiracy, has Class I Narcotics instead of plants, in the Criminal Code, in general, it is determined in a negative way, namely in the provisions regarding punishment exemptions. Exemption from punishment means that the person who commits a criminal act is not convicted or exempt from punishment. To prove the occurrence of a criminal act, an investigation is carried out that is useful to find and collect evidence that, in the first stage, based on sufficient preliminary evidence, must be able to provide confidence, even though it is still temporary to the public prosecutor about what actually happened or about the perpetrator who committed the crime of criminal conspiracy to have Class I Narcotics not plants in Decision Number 21/Pid. Sus-Anak/2025/PN.Mgl and arrested the suspects.

At the investigation stage of the case of perpetrators who committed the crime of criminal conspiracy to possess Class I Narcotics, not plants, in Decision Number 21/Pid. Sus-Anak/2025/PN.Mgl was performed. If there are reports and complaints or indications that the perpetrator of the crime of criminal conspiracy has Class I narcotics instead of plants, the Police Investigator will take the necessary steps to reveal the criminal act that occurred, especially the perpetrator who committed the crime of criminal conspiracy to have Class I narcotics instead of plants. These steps are that the police, after receiving a report of a perpetrator who committed a criminal act of criminal conspiracy to possess Class I Narcotics instead of plants, immediately conducted an investigation and investigation into the report. If the report contains data on the existence of a criminal act, the police will carry out a follow-up process. The follow-up process involved requesting information about the suspect's identity, data, and documents, and then conducting further investigation into the mode used by the perpetrator. After the evidence and witnesses indicated a criminal act, the suspect was arrested and detained.

Furthermore, at the investigation level, Rifki Hasrullah stated that the duties and authorities of the Police Investigator are as follows: make an Examination Report (BAP) regarding the results of the investigation, and according to Law Number 20 of 2025 concerning the Criminal Procedure Code, if the investigation has been completed, the investigator is obliged to immediately submit the case file to the Public Prosecutor. The submission of the case file is carried out in two stages: the investigator only submits the case file, and if the investigation stage is considered complete, the investigator hands over the responsibility for the suspect and evidence to the Public Prosecutor.

Based on the results of an interview with Yeni Susanti, a public prosecutor at the Tulang Bawang District Attorney's Office, it was stated that criminal liability for the child of the perpetrator of the crime of criminal conspiracy to have Class I Narcotics instead of plants is the ability of the perpetrator to be responsible for his mistake of having committed his acts that are prohibited by law, unlawfully and unjustified according to the public's view. Guilt is an element of a criminal event or act, and there is a close relationship between the two. After receiving the results of the investigation in the form of the transfer of the case, namely the Minutes of Examination, evidence, and suspects, the steps taken by the Public Prosecutor are to immediately take preparatory actions to carry out the prosecution by studying and researching whether the person or object mentioned in the investigation results is appropriate or has met the requirements for proof.

Furthermore, according to Yeni Susanti, the prosecution is the act of the public prosecutor to delegate criminal cases to the competent district court in the case and manner regulated in this law, with a request to be examined and decided by a judge at a court hearing. The criminal charges filed by the Public Prosecutor against the defendant in accordance with Decision Number 21/Pid. Sus-Anak/2025/PN.Mgl are: declaring that the child has been legally and convincingly proven guilty of committing a criminal act of committing a criminal act of committing a criminal act of committing a criminal conspiracy without rights or against the law, possessing, storing, possessing, or providing Class I Narcotics that are not plants as regulated and criminally threatened in Article 112 paragraph (1) jo Article 132 paragraph (1) of Law Number 35 of 2009 concerning Narcotics as in the Public Prosecutor's Single Indictment, imposing a penalty on the child in the form of imprisonment for 1 (one) year at LPKA Bandar Lampung and Job Training for 3 (three) months at BAPAS Class II B Kotabumi, minus the period of arrest and as long as the child is in temporary custody and with an order that the child remains detained, stipulating evidence in the form of: 1 (one) fragment of a red pill of the Extacy type narcotics with a net weight of 0.188 grams used up for lab testing, 1 (one) black Arous brand sling bag ; 1 (one) unit of Oppo Reno 5 brand handphone in silver color attached with a purple silicon case IMEI Number 1:86575050207219 and IMEI 2:86575050207201 (used in the case of Witness III), and stipulated that the child pay a case fee of IDR 5,000, (five thousand rupiah).

Based on the results of an interview with Tatok Musianto as the Judge of the Menggala District Court, stated that related to the crime of criminal conspiracy to possess Class I Narcotics instead of plants that have been delegated by the Public Prosecutor, the judiciary is tasked with receiving, examining, prosecuting and organizing every case submitted to it. To ensure the implementation of the intention until the expected results are obtained, it is necessary to have law enforcement and justice as an executing body that performs its duties fairly and impartially so that justice can be carried out as objectively as possible, in accordance with Law Number 48 of 2008 concerning the Judicial Power of the Republic of Indonesia.

Regarding criminal liability in this case, according to Tatok Musianto as a Judge at the Menggala District Court, criminal liability for the child of the perpetrator of the crime of criminal conspiracy to possess Class I Narcotics instead of plants, is a form of suffering deliberately imposed by the state on perpetrators who are proven to have committed criminal acts and can be blamed or reprehensible. Therefore, the criminal undertaking by perpetrators who commit the crime of criminal conspiracy to possess Class I Narcotics is not a guilty plant because they have committed a criminal act, which is a form of criminal responsibility that must be accepted by the perpetrator.

Tatok Musianto as a Judge at the Menggala District Court, added that because the defendant's actions have been legally and convincingly proven, the defendant must be found guilty and sentenced commensurate with his guilt. After hearing the Public Prosecutor's demands, the panel of judges gave Decision Number 21/Pid. Sus-Anak/2025/PN.Mgl, remembering and noting, Article 112 paragraph (1) jo Article 132 paragraph (1) of Law Number 35 of 2009 concerning Narcotics and Law Number 20 of 2025 concerning the Criminal Procedure Code, as well as other relevant laws and regulations, adjudicating: declaring the above, legally and convincingly proven guilty of committing a criminal act without the right to make a malicious agreement to possess Class I Narcotics instead of plants, as in the single indictment, imposing a penalty on the child therefore with a prison sentence of 6 (six) months at the Bandar Lampung Special Children's Development Institution (LPKA) and Job Training at BAPAS Class II B Kotabumi for 3 (three) months with the criminal provision that the job training is carried out during the day for a period of 2 (two) hours in 1 (one) day, stipulating that the period of arrest and detention that has been served by the child is completely deducted from the sentence imposed, stipulating that the child remains in custody, stipulating evidence in the form of: 1 (one) fragment of a red pill of the narcotic type Extacy with a net weight of 0.188 grams used up for lab testing; 1 (one) piece of a black Arous brand sling bag ; 1 (one) unit of Oppo Reno 5 brand handphone in silver color installed purple silicon case IMEI Number 1:86575050207219 and IMEI 2:86575050207201 (used in the case of witness III), and charged the Child to pay a case fee of IDR 3,000.00 (three thousand rupiah).

According to the author, the criminal act committed by the child only refers to the prohibition of the act, whether the person who commits the act is then also convicted, depending on the question of whether he has a mistake in committing the act or not, because in the criminal law applies the principle of geen straf zoner schuld, which means that there is no crime without error. Based on this principle, the imposition of a criminal sentence as a form of wrongdoing committed by the defendant is appropriate because it is clear that the defendant made a mistake and deliberately committed a criminal act. Based on the above description, it is known that criminal liability for the child of the perpetrator of the crime of criminal conspiracy to possess Class I Narcotics instead of plants is based on Decision No. 21/Pid. Sus-Anak/2025/PN.Mgl was declared to have violated the provisions of Article 112 paragraph (1) jo Article 132 paragraph (1) of Law Number 35 of 2009 concerning Narcotics and was sentenced to 6 (six) months in prison at the Bandar Lampung Special Child Development and Training Institution (LPKA) Work at BAPAS Class II B Kotabumi for 3 (three) months with the provision of criminal work training is carried out during the day for a period of 2 (two) hours in 1 (one) day.

Based on the judicial reasoning, the application of Article 112 paragraph (1) jo Article 132 paragraph (1) of Law Number 35 of 2009 concerning Narcotics demonstrates that the court emphasized the fulfillment of objective criminal elements. However, because the defendant was a child, the assessment of criminal responsibility could not rely solely on the existence of narcotics-related conduct. The court was also required to consider the principles contained in the Juvenile Criminal Justice System, particularly proportionality, rehabilitation, and the best interests of the child. In this case, although the narcotics evidence was physically found on Witness III, the court considered the child's involvement based on the facts revealed during the examination. This indicates that judicial assessment in juvenile narcotics cases depends not only on direct possession of evidence but also on the relationship between the defendant's actions, criminal involvement, and available evidence. Nevertheless, the imposition of imprisonment must be interpreted within the framework of the juvenile justice system. The six-month imprisonment and job training program indicates that the sanction was not solely intended as retaliation but also as a mechanism for correction and rehabilitation. Therefore, the decision reflects a balance between enforcing narcotics regulations and maintaining child protection.

4.2 Factors Causing the Crime of Criminal conspiracy to Possess Class I Narcotics Instead of Plants

The factors that caused the defendant to commit the crime of methamphetamine were multidimensional in nature. The first factor is individual vulnerability. A person can engage in narcotics due to weak self-control, previous experience with narcotics, and an inability to stay away from risky behaviors. Individual factors do not stand alone, but they influence how a person responds to social pressure and opportunities. In this case, the defendant's previous involvement in a similar crime shows that personal vulnerability may have persisted after the previous conviction. The second factor is psychological distress. Involvement with narcotics can be related to stress, emotional instability, or the search for a temporary escape from personal problems. Psychological explanations do not justify criminal acts, but they help explain why criminalization alone may not be sufficient. If the defendant's psychological vulnerability is not addressed through coaching, rehabilitation, or social support, the risk of repeating the crime may remain. This is in line with criminological analysis that views criminal behavior as a combination of motivation and environment (Hagan, 2013; Santoso and Zulfa, 2015).

The third factor is the social environment. Narcotics-related acts often thrive in social networks with access to narcotics, knowledge of suppliers, and normalization of use. When ex-convicts return to the same social environment without effective supervision or support, the likelihood of repeated involvement increases. Studies on narcotic recidivism show that the social environment and reintegration problems play an important role in the repetition of criminal acts (Almukharomah & Wibowo, 2022; Miardi et al., 2024). This reinforces the need for post-release supervision and community-based support for these individuals. The fourth factor,, is family condition, which can be a protective factor if it provides supervision, emotional support, and social control. On the other hand, weak family support can make a person unable to have a stable environment after serving a sentence in penitentiary. This condition can create vulnerability to long-term associations and illegal opportunities.

The fifth factor,, is the economic condition. Economic stress is not the only cause of narcotics-related crime, but limited legitimate opportunities can increase dependence on risky networks or complicate the rehabilitation process. Soekanto (1983) explained that social factors affect law enforcement and compliance, including the conditions in which individuals live. The sixth factor is opportunity. Crime occurs not only because of intention but also because there is an opportunity to commit the act. In Decision Number 21/Pid. Sus-Anak/2025/PN.Mgl, the fact that the defendant was arrested in a café with methamphetamine evidence supports the conclusion that the defendant had access to and the opportunity to possess narcotics. This factual situation also explains why the panel of judges considered Article 112 (2) to be more appropriate than Article 114 (2). Evidence is more in accordance with possession or possession, not transactions.

The seventh factor is the limited deterrent effect and lack of coaching after punishment. The defendant's previous criminal history shows that previous convictions have not completely prevented re-involvement in crime. This does not mean that prison sentences do not have a function, but it shows that punishment must be supported by coaching, supervision, rehabilitation and reintegration. The international criminological literature also reminds us that imprisonment alone can have a limited effect on recidivism, while the sustainability of treatment and motivation can reduce the recurrence of narcotic-related crimes in methamphetamine users (Belenko, Hiller, & Hamilton, 2013; Hazama & Katsuta, 2025; Loeffler & Nagin, 2022).

The criminal liability of children involved in narcotics offenses requires an assessment beyond the formal fulfillment of criminal elements. In juvenile criminal justice, liability must be examined by considering the child's ability to understand the consequences of the act, the existence of intent, the relationship between the child and the criminal conduct, and the application of child protection principles. Therefore, judicial reasoning should demonstrate not only why a child is considered legally responsible but also whether the imposed sanction reflects proportionality, rehabilitation objectives, and the child's best interests.

5. Conclusions

5.1 Conclusion

This study concludes that the criminal liability of children involved in narcotics offenses requires a comprehensive assessment that integrates the fulfillment of criminal elements, evidentiary considerations, and principles of juvenile criminal justice. Based on the analysis of Decision Number 21/Pid. Sus-Anak/2025/PN.Mgl, the application of Article 112 paragraph (1) in conjunction with Article 132 paragraph (1) of Law Number 35 of 2009 concerning Narcotics must not only consider the existence of narcotics-related evidence but also examine the legal basis connecting the child to the elements of possession, control, and criminal involvement. In this case, although narcotic evidence was found on Witness III and not directly on the child, the court considered the child's involvement based on the facts presented during the trial.

The findings indicate that judicial considerations in juvenile narcotics cases must balance law enforcement objectives with the protection of children's rights, as regulated under Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. Criminal sanctions imposed on children should be oriented toward rehabilitation, guidance, and social reintegration, rather than solely punitive objectives. Therefore, the assessment of criminal responsibility in children requires careful consideration of the child's knowledge, intent, role, and the circumstances surrounding the offense. This study contributes to juvenile criminal law by highlighting the importance of harmonizing narcotics law enforcement with child-oriented justice principles. Future studies should examine broader judicial practices involving children in narcotics cases through comparative analyses of multiple court decisions and empirical approaches involving legal practitioners and child protection institutions.

5.2 Research Limitations

This study has several limitations. First, this study focuses on one district court decision; therefore, the findings cannot be generalized to all narcotics cases in Indonesia. Second, empirical data were obtained from a limited number of informants representing the perspectives of the courts, police, and prosecutors. Third, the defendant's previous criminal verdict was not obtained, thus limiting the ability of the research to determine the appropriate influence of the six-month sentence. Fourth, this study uses qualitative juridical analysis and does not include quantitative data on the application of criminal liability in narcotics cases.

5.3 Suggestions and Directions for Future Research

The community should provide support and play an active role, especially in the implementation of countermeasures carried out by law enforcement in Tulang Bawang Barat Regency, so that the circulation and abuse of narcotics can be immediately overcome. The Panel of Judges in imposing criminal verdicts against the children of drug offenders should be intensified, especially to provide a deterrent effect for the perpetrators, so as not to repeat their actions when they have been released from penitentiary. Further research is needed to examine several narcotics rulings from different jurisdictions to identify broader patterns in the application of criminal accountability and judicial documentation. Follow-up research can also compare cases in which the defendant is accompanied by legal counsel with those in which criminal liability is absent or denied. Empirical research involving more investigators, public prosecutors, judges, advocates, criminal accountability agencies, and former defendants will provide a more comprehensive picture of criminal accountability in narcotics-related cases.

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Author Contributions

IKS contributed to journal drafting and conceptualization, literature review, data collection, and manuscript preparation. MPA contributed to providing direction, supervision, manuscript editing and improvement, and analysis of theoretical theories used in the submitted journal manuscript. Both MPA and IKS have agreed to the final manuscript.

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